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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JOSE JUAN GARCIA-CASTRO, #13293-078 §  
§  
versus § CIVIL ACTION NO. 4:20-CV-530  
§ CRIMINAL ACTION NO. 4:19-CR-8(1)  
UNITED STATES OF AMERICA §

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation (#9) concluding that the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed pursuant to 28 U.S.C. § 2255 should be dismissed without prejudice. No objections were timely filed.<sup>1</sup>

The Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice. A Certificate of Appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

**Signed this date**

Sep 21, 2023

*Marcia A. Crone*

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court notes that the Report and Recommendation was returned to the Court and marked, "Return to Sender." (Dkt. #10).